

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, October 19, 2009, at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of this meeting was sent to Council on October 15, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Thomas Farley, Steven Skok, Richard Gabler, Jr., Sean Gabler, Richard Dornisch, Manager David Greene, and Solicitor Mark Jacob

VISITORS

Visitors included: Richard Sadley, Donald Beimel, Matthew Pfeufer, Sally Wilson, Warren Stewart, Dan Hepner, Darlene Lynch, and Ken Young.

APPROVAL OF MINUTES

October 5, 2009

Sean Gabler made a motion to approve the minutes of October 5, 2009, seconded by Steven Skok, and all were in favor.

CITIZEN'S COMMENTS ON AGENDA TOPICS

Mayor Geyer stated that anyone interested in speaking on the Sign Ordinance would be given an opportunity during the Topics for Discussion portion of the agenda.

Sally Wilson spoke about the Chamber of Commerce's request for free parking and to close Erie Avenue. She had received correspondence that a decision was made to deny the original request to close Erie Avenue so she amended the request to state the closure of Depot Street.

Solicitor Jacob explained the correspondence was from the Chief of Police and Fire Chief. At Council's request from a prior meeting, the opinions of both Chief's were obtained. The Chief's agreed the closure of Erie Avenue should not be permitted for any type of these events. Therefore, the Chamber revised its request for approval to close Depot Street, instead of Erie Avenue, for the same time frame.

MANAGER'S REPORT

Manager Greene read the following report:

September 18- Tim Brennen, Steve Samick, Mike Mullaney, and I met with Karen Michaels and

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

Vicky Rusnak from PennDot to discuss various transportation projects in St Marys. The storm sewer drainage system and the traffic signals at Vine and Arch Street on South St. Marys Street will be replaced when the highway is reconstructed. Manager Green stated those were two issues that we had previous concerns with and we were able to get some answers that will not cost the City any money.

September 21- Met with Devin Brock from the St. Marys Country Club. Devin updated me on future ideas and plans for the St. Marys Country Club.

September 22- Met with Dan Nealon from the Quad 3 Group to gather additional samples from the former Industrial Steel site.

September 28- Attended the grand opening of the new Chinamerica Restaurant.

September 29- Met with Rob Russell from Sekula Sign Co. to discuss a Way Finding Sign System for Downtown St. Marys.

September 30- Attended a seminar at Pitt-Bradford to hear Stan Sheetz discuss his family business.

October 1- Met with Cindy FinGado to discuss the new Earned Income Tax Committee that is being formed according to Act 32.

October 2- Attended the ATA Board meeting and Conference held at the Red Fern.

October 6- Attended the North Central Transportation meeting in Ridgway.

October 15- Attended the PA Wilds sign meeting with the Downtown Merchants held at City Hall.

APPROVAL OF EXPENDITURES

Richard Dornisch made a motion to approve the Expenditures Report for the period September 13, 2009, to October 10, 2009, seconded by Thomas Farley, and all were in favor.

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

TREASURER'S REPORT

Mayor Geyer presented the following Treasurer's Report as of September 30, 2009: Payroll and expenditures were accrued to the end of September this month making the expenditures high. Revenues collected for the General Fund were at 75.32% of the budget, down from last year at this time of 87.73%. Expenditures were at 60.88% of the budget and last year they were at 72.79%. Real Estate tax revenue was at 96% of the budget the same as last year at this time. Pension plans market values have increased in value since last year at this time.

LEGISLATIVE ACTION

Request from the St. Marys Area Chamber of Commerce re: Free parking and closing of Depot Street

Mayor Geyer stated Council had a request from the St. Marys Area Chamber of Commerce. They requested free parking on Friday, November 20, 2009 (Light Up Night) after 5:00 p.m. and then again starting on Thursday, November 26, 2009 and ending on Friday, December 25, 2009; also to close Depot Street (revised from Erie Avenue) on Friday, November 20, 2009 (Light Up Night) from 7:00 p.m. to 9:00 p.m.

Sally Wilson addressed Council and described typically what events would take place on Light Up Night, November 20, 2009.

Sean Gabler asked if the change in location would change their ability to have the typical events.

Sally Wilson stated it would not, the only concern the Chamber had was a safety issue with the large amount of children attending the event. That is why they requested for the street to be closed.

First Motion

Sean Gabler made a motion to approve the request of free parking on November 20, 2009 and then again on Thursday, November 26, 2009 through Friday, December 25, 2009 and also to grant the closing of Depot Street on November 20, from 7:00 p.m. to 9:00 p.m.

Richard Gabler, Jr. commented the request for free parking was for after 5:00 p.m. on November 20, 2009.

**Amended Motion
Passed**

Sean Gabler amended his motion to specify free parking from 5:00 p.m. to 9:00 p.m. on November 20,

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

2009, amended motion was seconded by Richard Gabler, Jr., and all were in favor, except Thomas Farley.

Award Bid re: Contract 2009-01;
Depot Street Underground Utility
Conduit Project

Manager Greene stated the Bid was being funded through Community Development Block Grant Stimulus Money. It was advertised on July 30, 2009 and August 3, 2009.

The following bids were received on August 14, 2009, opened and read aloud at a public meeting at City Hall.

Briggs Earthwork, Inc.	\$38,980.00
St. Marys Paving Co. Inc.	\$39,940.00
R.J. Vollmer Excavating	\$41,407.00
Solveson Contracting, Inc.	\$50,492.00

The City Staff recommended Council award the bid to Briggs Earthwork, Inc. for \$38,980.00.

Motion Passed

Dennis Nero made a motion to award the bid to Briggs Earthwork, Inc., seconded by Steven Skok, and all were in favor.

TOPICS FOR DISCUSSION

Recommended revisions by the
Planning Commission to the Sign
Ordinance.

Motion

Dennis Nero made a motion to add the following changes to the recommended revisions of the Planning Commission: under Permanent Sign Requirements – change the maximum number permitted to unlimited and change maximum permitted sign area to 200 square foot total; under Temporary Sign Requirements- change permit required to yes, but no fee charged; under Off Premises Signs – allowed in industrial, commercial and light industrial.

Motion died due to lack of a second

There was no second to Mr. Nero's motion.

**CITIZEN COMMENTS ON
AGENDA TOPICS (continued)**

Don Beimel

Don Beimel from Don's Pizza approached Council and described his attempts to go through the proper channels to change the 2006 sign ordinance. The recent enforcement of the 2006 ordinance has brought the problems with the ordinance to everyone's attention.

Thomas Farley and Dennis Nero clarified with Mr. Beimel what ordinance Mr. Beimel preferred.

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

Richard Gabler, Jr. inquired if the Planning Commission compared a ratio frontage/proportional rate to a flat rate.

Matthew Pfeufer stated the Planning Commission, for various reasons, rejected the proportional rate.

There was a lengthy discussion by Council, the Solicitor and Matthew Pfeufer of various problems with the 2006 sign ordinance and the difficulty of how to correct those problems. Richard Dornisch and Mayor Geyer agreed that the sign ordinance was very restricting to the local businesses. Dennis Nero stated that is why he had requested additional changes.

Darlene Lynch

Darlene Lynch of the Apollo Theater addressed Council and agreed that the sign ordinance was too limiting and would like to add more signage to her building. Local businesses take pride in their business and would not put up a sign that would be offensive.

Nathan Catalone

*Correction per 11/02/09 minutes,
Nathan should be Mason

*Nathan Catalone representing Johnson's Grocery stated that his family owns many businesses in town, including the former Franklin Hotel, which is a piece of St. Marys heritage. The hotel had the entire side of the building as an advertisement. He requested that Council allow signs as they are.

TOPICS FOR DISCUSSION

(continued)Traffic signal upgrades at the intersection of East Arch, West Arch and Route 255

Mr. Farley explained there would no longer be a right turn on red permitted from either East Arch or West Arch Street. Instead of both streets being permitted to enter Route 255 simultaneously, entry of traffic would be alternated by the green lights. There is appropriate signage at both traffic lights that is easily seen by the driving public.

Dennis Nero contacted the Chief of Police to see if there were any complaints about the new traffic pattern and he said there were none.

Mayor Geyer commented that was always a bad intersection and this may be a deterrent for future traffic accidents.

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

OCTOBER 19, 2009

**CITIZEN COMMENTS
ON NON-AGENDA TOPICS**

Joe Penfield

Joe Penfield spoke again to Council and stated the "contest of wills" between he and Chief Caltagarone would be settled in Court. He restated his issues with the seat belt safety check program.

Richard Dornisch responded the money for the program came from PennDot.

Statement from Mayor Geyer

Mayor Geyer read the following statement to Mr. Penfield:

"Mr. Penfield you have come before this Council since August with allegations of police misconduct that you allege happened on the Memorial Day weekend on the Johnsonburg Road near the South Paul entrance.

The city police chief appeared before this Council to explain what the police intent was that evening, and an investigation was done showing no police wrongdoing.

You have since accused the police department, city manager and this Council of conspiracy, cover up and lying. Mr. Penfield, there is no conspiracy, no cover up and you were not lied to. You accused Denny Nero of lying saying you could not get the DUI records when in fact Mr. Nero told you that you would not get the names.

I believe, unless any member of this council objects, that this matter is settled, unless you can come up with proof or a witness to what you allege. And then at that time you should file your own suit. You have heard from this Council.

You are welcome to attend every city council meeting and speak as a citizen but on this matter, I believe, Mr. Penfield it is time to bury the dead horse you keep beating."

Mr. Penfield responded that he did not believe that he got a free pass that night and described his plans for Friday and Saturday nights. He would return when he had video documentation.

CITY OF SAINT MARYS REGULAR COUNCIL MEETING**OCTOBER 19, 2009**

Dennis Nero stated since this is going to Court we (Council) are not saying another word.

Warren Stewart

Warren Stewart questioned details of the Depot Street Project.

Manager Greene responded that it will be done as soon as possible, weather permitting.

Update on Teaberry Road

Manager Greene stated the Teaberry Road Bridge has arrived and work started today and should be completed in the next couple of weeks.

COUNCIL COMMENTS

There were no Council comments.

ANNOUNCEMENTS

Mayor Geyer made the following announcements:

- The next Council meeting will be Monday, November 2, 2009, at 7:00 p.m. at City Hall
- Council's first two budget workshops will be held November 4, 2009 and November 5, 2009 at 6:30 at City Hall.

ADJOURNMENT

Thomas Farley made a motion to adjourn the meeting.



Mayor



Recording Secretary